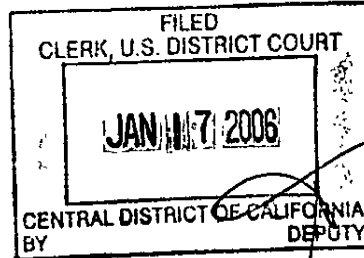


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P-5021

**DENIED**

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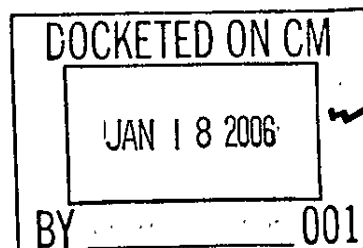
**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

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17 IN RE SYNCOR ERISA LITIGATION ) MASTER FILE: 03 CV 2446 (RGK)  
 18 ) [Assigned to Hon. R. Gary Klausner]  
 19 )  
 20 ) **NOTICE OF SETTLEMENT;  
 21 ) STIPULATION AND [PROPOSED]  
 22 ) ORDER RE: SETTLEMENT,  
 23 ) TAKING TRIAL DATE OFF-  
 24 ) CALENDAR, AND MOTIONS FOR  
 25 ) SUMMARY JUDGMENT**

26 THIS DOCUMENT RELATES TO:  
 27 ALL ACTIONS



231

1 WHEREAS, on or about February 24, 2004, Plaintiffs filed and served their  
2 Consolidated Complaint in the current class action;

3 WHEREAS, all Defendants have filed their Answer to the Consolidated  
4 Complaint;

5 WHEREAS, by this Court's Order issued on May 5, 2005, the Final Pretrial  
6 Conference in this matter is set for January 23, 2006, and the trial in this matter is  
7 set for February 7, 2006;

8 WHEREAS, the Court has taken Defendants Syncor International  
9 Corporation, Robert Funari, and Monty Fu's Motions for Summary Judgment  
10 under submission and no ruling on those Motions for Summary Judgment has been  
11 issued to date;

12 WHEREAS, the Parties have agreed to settle this matter without the need to  
13 proceed to trial, but this settlement will require preliminary approval by the Court,  
14 notice to the class and a final approval hearing;

15 THEREFORE, the Parties stipulate and agree as follows:

16 1. The Parties have reached a settlement of this matter, and have  
17 executed a term sheet outlining the terms of settlement.

18 2. The Parties shall prepare and execute a formal settlement agreement  
19 to present to the Court for preliminary approval on or before January 25, 2006.

20 3. The Parties jointly request that this Court not issue a ruling on the  
21 Motions for Summary Judgment filed by Defendants Syncor International  
22 Corporation, Robert Funari, and Monty Fu, which Motions were taken under  
23 submission by the Court without hearing as scheduled on December 19, 2005;

24 //

25 //

26 //

27 //

28 //

RECEIVED  
JAN 17 2006

4. The Parties jointly request that this Court take all scheduled trial and pre-trial dates and deadlines off-calendar.

IT IS SO STIPULATED.

Dated: January 11, 2006

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By: Benjamin Zazove / Esq with permission  
Benjamin Zazove  
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INTERNATIONAL CORPORATION and  
ROBERT G. FUNARI

Dated: January 11, 2006

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By: Allan Schare / Esq with permission  
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Dated: January 11, 2006

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Los Angeles, California 90017

By: Lisa Yang  
Lisa Yang  
Attorneys for Plaintiff

**ORDER**

SCANNED

The Parties having settled this matter, the Court orders as follows:

1. The Parties shall prepare and execute a settlement agreement to present to the Court for preliminary approval on or before January 25, 2006.
2. The Court will not issue a ruling on the Motions for Summary Judgment filed by Defendants Syncor International Corporation, Robert Funari, and Monty Fu.
3. The trial date, final pretrial conference date, and all deadlines associated with the trial date are off-calendar.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

*DEWY RS MOOG*  
HON. R. GARY KLAUSNER  
UNITED STATES DISTRICT JUDGE

LIM, RUGER & KIM, LLP

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
 COUNTY OF LOS ANGELES )

SCANNED

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1055 West Seventh Street, Suite 2800, Los Angeles, California 90017. On January 11, 2006, I served the foregoing document described as:

**NOTICE OF SETTLEMENT; STIPULATION AND  
 [PROPOSED] ORDER RE: SETTLEMENT, TAKING TRIAL DATE  
 OFF-CALENDAR, AND MOTIONS FOR SUMMARY JUDGMENT**

X by placing \_\_\_ the original X a true copy thereof enclosed in sealed envelopes addressed as follows:

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X BY EMAIL: I caused each such document to be transmitted by PDF format, to the parties and email addresses indicated above.

X (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 11, 2006 at Los Angeles, California.

Julie H. Yu

Name

Signature